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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,642	10/07/2005	Hans Jorgen Dalum	378/9-2008	3059

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EXAMINER

FERGUSON, MICHAEL P

ART UNIT	PAPER NUMBER
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3679

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10/21/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/517,642	Applicant(s) DALUM, HANS JORGEN	
	Examiner MICHAEL P. FERGUSON	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on August 20, 2008 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 11-13 and 16-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Benson (US 4,135,372).

As to claim 11, Benson discloses a rotatable link comprising:

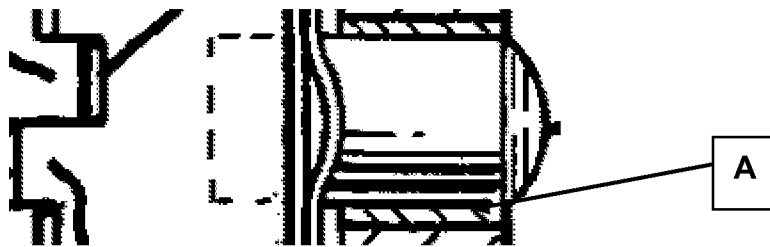
a pipe **40,42** having a rim **56,58** including a pair of opposed openings therein (element **40,42** comprises a tubular or cylindrical part **42**, and thus constitutes a pipe; Figure 1),

two first objects **A** (pair of bearings **A**; Figure 3 reprinted below with annotations), each having a bore **48,50**,

a second object **20,22,12** having a bore **32,34**, and,

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an attachment means **36,38** extending through said bores and assembling, in order, one of the first objects, the second object and the other first object into a unit, the two first objects being secured to the pipe within the openings in the rim of the pipe, the pipe providing a mechanical tension which is transferred as compressive forces in the longitudinal direction of the attachment means to the second object (spring washers **44,46** exert a compressive force on second object **20,22**. Clearly, an opposing tension force must exist within the material of pipe rim **56,58** in order to provide a resistance force to enable such relative compression force), the second object forming a link part rotatable relative to the two first objects, having an axis of rotation along the longitudinal axis of the attachment means (Figures 1-3).



As to claim 12, Benson discloses a rotatable link comprising:
one or more pairs of apertured discs **44,46,59,60**, each respective apertured disc of each pair of apertured discs being disposed on a respective side of the second object **20,22,12** between the second object and one of the first objects **A**, the attachment means **36,38** extending through a hole in the apertured discs (Figure 3).

As to claim 13, Benson discloses a rotatable link wherein two or more pairs of apertured discs **44,46,59,60** are provided (Figure 3).

As to claim 16, Benson discloses a rotatable link wherein the apertured discs **44,46,59,60** are made of a material selected from the group consisting of plastics, metals, brass and steel (spring washers **44,46** are inherently made from spring metal; column 2 lines 40-44).

As to claim 17, Benson discloses a rotatable link comprising a plate **20** secured on the rotatable link part **20,22,12**, the plate and rotatable link part forming a rotatable upright (Figure 1).

As to claim 18, Benson discloses a rotatable link comprising a handle **16,18** secured to the plate **20,22** (Figure 1).

As to claim 19, Benson discloses a rotatable link comprising a rod **42**, the pipe **40,42** being mounted along the rod, a longitudinal direction of the pipe being essentially parallel to a longitudinal direction of the rod (Figure 2).

As to claim 20, Benson discloses a rotatable link comprising a rod **42**, the pipe **40,42** being mounted along the rod, a longitudinal direction of the pipe being essentially parallel to a longitudinal direction of the rod (Figure 2).

As to claim 21, Benson discloses a method of manufacturing a rotatable link comprising:

assembling a unit consisting of two first objects **A**, each having a bore, a second object **20,22,12** having a bore, and an attachment means **36,38**, by passing the attachment means through the bores, in order, assembling one of the first objects, the second object and the other first object, securing the unit within a pair of opposed openings provided in a rim **56,58** of a pipe **40,42** (element **40,42** comprises a tubular or cylindrical part **42**, and thus constitutes a

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pipe; Figure 1), providing a mechanical tension in the pipe which is transferred as compressive forces in a longitudinal direction of the attachment means to the second object (spring washers **44,46** exert a compressive force on second object **20,22**. Clearly, an opposing tension force must exist within material of pipe rim **56,58** in order to provide a resistance force to enable such relative compression force), the second object forming a link part rotatable relative to the two first objects and having an axis of rotation along the longitudinal axis of the attachment means (Figures 1-3).

As to claim 22, Benson discloses a method comprising providing one or more pairs of apertured discs **44,46,59,60**, and, disposing each respective apertured disc of each pair of apertured discs on a respective side of the second object **20,22,12** between the second object and one of the first objects **A**, the attachment means extending through a hole in the apertured discs (Figure 3).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benson.

As to claims 14 and 15, Benson discloses a rotatable link wherein two pairs of apertured disks **44,46,59,60** are provided (Figure 3). Benson fails to

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disclose a rotatable link wherein four pairs of apertured disks are provided.

Benson does not disclose any structural or functional significance as to the specific number of pairs of apertured disks.

Applicant is reminded that duplicating the components of a prior art device, wherein there is no structural or functional significance as to the specific number of a component, is a design consideration within the skill of the art. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the rotatable link disclosed by Benson to include a third and fourth pair of apertured disks as Benson does not disclose any structural or functional significance as to the specific number of pairs of apertured disks, as such duplication would exert an increased compression force on the second object, providing a more secure, stable connection between the pipe and the second object, and as such duplication of components is a design consideration within the skill of the art which would yield expected and predictable results.

Response to Arguments

6. Applicant's arguments filed August 20, 2008 have been fully considered but they are not persuasive.

As to claims 11 and 21, Attorney argues that:

Benson does not disclose a rotatable link comprising *a pipe having a rim including a pair of opposed openings therein, the pipe providing a mechanical tension which is transferred as compressive forces in the longitudinal direction of the attachment means to the second object.*

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Examiner disagrees. As to claims 11 and 21, Benson discloses a rotatable link comprising a pipe **40,42** having a rim **56,58** including a pair of opposed openings therein (element **40,42** comprises a tubular or cylindrical part **42**, and thus constitutes a pipe), the pipe providing a mechanical tension which is transferred as compressive forces in the longitudinal direction of the attachment means **36,38** to the second object **20,22,12** (spring washers **44,46** exert a compressive force on second object **20,22**). Clearly, an opposing tension force must exist within material of pipe rim **56,58** in order to provide a resistance force to enable such relative compression force; Figures 1-3).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL P. FERGUSON whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (6:30am-3:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MPF
10/16/08

/Michael P. Ferguson/
Primary Examiner, Art Unit 3679